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LORRAINE T. ROBINS

1 so.

2 BY MR. ARMSTRONG:

3 Q. If the memo speaks for
4 itself, what does it say to you?

5 A. It says to me that those
6 containers were moving. It's a freight
7 bill for the freight. It came to Mr.
8 Davis. And he does say in there that I
9 put the dates that it moved or something.

10 Q. It says, Lorraine was kind
11 enough to add the date of the freight
12 move to the schedule to aid you in
13 checking the move further within your
14 system?

15 A. Mm-hum, yes.

16 Q. Do you understand that this
17 document was a billing to Sea Star by Mr.
18 Davis?

19 A. No, I don't.

20 Q. Let me show you a copy of a
21 letter dated June 11, 2002, to which is
22 attached a letter dated June 10, 2002.
23 These are exhibits 12 and 10 to the
24 Emerald deposition. Do you recognize

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1 those?

2 A. No, I do not.

3 Q. I show you a copy of e-mails

4 dated June 25, 2002 and June 26, 2002,

5 that I will ask the court reporter to

6 mark as Exhibit-4 to this deposition.

7 - - -

8 (Whereupon, Exhibit Robins-4

9 was marked for identification.)

10 - - -

11 BY MR. ARMSTRONG:

12 Q. Do you recognize those

13 e-mails?

14 A. No. I don't remember them.

15 But it's awfully hard. If I could see

16 the attachments. Do you have the

17 attachments?

18 Q. To the e-mails?

19 A. Yes.

20 Q. They are not attached to

21 this e-mail.

22 Do you know what Mr. Davis

23 meant by saying, quote, is this a

24 surprise or what, unquote?

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1 MR. MOLDOFF: Objection to

2 form.

3 THE WITNESS: I don't know

4 what he meant.

5 BY MR. ARMSTRONG:

6 Q. Do you recognize the

7 handwriting on that document?

8 A. No, I don't.

9 Q. Let me show you a copy of an

10 e-mail dated July 12, 2002 that I will

11 ask the court reporter to mark as

12 Exhibit-5 to this deposition.

13 - - -

14 (Whereupon, Exhibit Robins-5

15 was marked for identification.)

16 - - -

17 BY MR. ARMSTRONG:

18 Q. This e-mail has some

19 underlinings on it that are not part of

20 the original. Do you recognize this

21 e-mail?

22 A. I don't recall. I don't

23 really recall it.

24 Q. Do you recall any

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1 communications with anyone at Walt's

2 Drive Away regarding Emerald equipment?

3 A. I don't recall.

4 Q. Do you recall communications

5 with anyone at Pier West regarding

6 Emerald equipment?

7 A. No.

8 Q. What is Walt's Drive Away?

9 A. It's a trucking company.

10 Q. Is it a depot?

11 A. I don't know if it's a

12 depot.

13 Q. What is Pier West?

14 A. Again, a trucking company.

15 Q. Do you know whether it's a

16 depot?

17 A. No, I don't.

18 Q. Let me show you a copy of a

19 document, an e-mail together with

20 attachment that has been marked as

21 Exhibit-43 to the Emerald deposition.

22 Have you ever seen those documents

23 before?

24 A. I've seen a document similar

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1 to this, but not this date.

2 Q. What date is the document

3 that you've seen?

4 A. Well, the document I saw was

5 July 23rd or 26th, '02. So I don't know

6 if this is the same document that I saw.

7 Q. I show you a copy of a

8 letter dated August 15th, 2002, together

9 with an attachment that I will ask the

10 court reporter to mark as Exhibit-6 to

11 this deposition.

12 - - -

13 (Whereupon, Exhibit Robins-6

14 was marked for identification.)

15 - - -

16 BY MR. ARMSTRONG:

17 Q. Do you recognize those

18 documents?

19 A. No, I don't.

20 Q. In August 2002, were you

21 involved in the Emerald billing project?

22 A. No.

23 Q. Let me show you a copy of a

24 document which I will ask the court

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1 reporter to mark as Exhibit-7 for

2 identification.

3 - - -

4 (Whereupon, Exhibit Robins-7

5 was marked for identification.)

6 - - -

7 BY MR. ARMSTRONG:

8 Q. Do you recognize that

9 document?

10 A. No.

11 Q. Do you recognize any of the

12 handwriting on that piece of paper?

13 A. There seem to be several

14 different handwritings on here. No.

15 Q. Do you recognize any of it?

16 A. I would be guessing.

17 Q. Whose handwriting would you

18 be guessing it might be?

19 A. This could be Arthur.

20 Q. You were referring to the

21 handwriting at the bottom?

22 A. No, no, the handwriting is

23 not his. There is something different

24 about it.

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1 Q. Let me show you a copy of an
2 e-mail dated October 1, 2002, which I
3 will ask the court reporter to mark as
4 Exhibit-8.

5 - - -

6 (Whereupon, Exhibit Robins-8
7 was marked for identification.)

8 - - -

9 BY MR. ARMSTRONG:

10 Q. Do you recognize that
11 document?

12 A. Yes, I remember seeing this.

13 Q. Do you recall when you first
14 saw it?

15 A. I first saw it -- no, I
16 don't recall when I first saw it.

17 Q. Do you recall how it came to
18 you or how you saw it?

19 A. It came to me through Arthur
20 Davis, to check it and bill it
21 accordingly.

22 Q. Bill what?

23 A. Well, what they were using.

24 Q. How could you determine from

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1 that e-mail what Sea Star was using?

2 A. By checking the move

3 history. This is not all Emerald's

4 equipment. I don't think it's this one.

5 We got a similar document from Barbara

6 Davis. I don't remember this one. But

7 the format was the same.

8 Q. When you say "checking the

9 move history," what move history would

10 you check?

11 A. The inventory that I recall

12 getting from Barbara Davis showed in and

13 out.

14 Q. Does the inventory in front

15 of you show in and out?

16 A. No. So this could not have

17 been the one that I saw.

18 Q. To your knowledge, is there

19 a difference between a depot's inventory

20 and a depot's move history?

21 A. I don't know. I mean,

22 Global -- Global is also a trucker. So I

23 don't know. Well, this one went in here,

24 August 9, '02, so that definitely would

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1 be a Sea Star move. This one went in
2 June 11, '02, so that again would be a
3 Sea Star move. 5/17/02, 5/29/02, 9/6/02.

4 Q. How can you tell from that
5 document that it's a Sea Star move?

6 A. Well, if it was an Emerald
7 container, it had to be a Sea Star move.

8 Q. Do you know whether any of
9 that equipment had been in transit?

10 A. I would have to check that.

11 Q. How would you check that?

12 A. From the in-transit list
13 that I had, that I just received.

14 Q. What is the in-transit list
15 that you just received?

16 A. On the MAYAGUEZ, the HUMACAO
17 and the GUAYAMA.

18 Q. Does the in-transit list
19 that you received list equipment that was
20 in transit overland as of April 26th?

21 A. On vessels only.

22 Q. That's all it lists?

23 A. That's all it's supposed to
24 list.

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1 Q. Have you ever gotten a list
2 of equipment that was in transit overland
3 as of April 26, 2002?

4 A. No.

5 Q. Have you ever --

6 A. Because that would have all
7 been on the ships by then.

8 Q. Have you ever gotten a list
9 of equipment, loads that had been
10 discharged from NPR vessels and was en
11 route to customers, as of April 26, 2002?

12 A. No. The only information I
13 had on discharge is if it was input by
14 Sea Star for the three-week period, from
15 April 27th to whenever they stopped using
16 the systems, because they would put in
17 the name of the customer and the load.

18 Q. And have you ever requested
19 information from Holt oversight as to
20 equipment loads discharged from NPR
21 vessels prior to April 26, 2002 and in
22 route to customers on April 26, 2002?

23 A. Pardon me?

24 - - -

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1 (Whereupon, the pertinent
2 portion of the record was read.)

3 - - -

4 THE WITNESS: No.

5 BY MR. ARMSTRONG:

6 Q. Let me show you a copy of
7 e-mails dated October 1, 2002, which I
8 will ask the court reporter to mark as
9 Exhibit-9 to this deposition.

10 - - -

11 (Whereupon, Exhibit Robins-9
12 was marked for identification.)

13 - - -

14 BY MR. ARMSTRONG:

15 Q. Do you recognize these
16 e-mails?

17 A. Yes.

18 Q. Whose handwriting is on
19 those e-mails?

20 A. I don't know whose
21 handwriting that is.

22 Q. Let me show you a copy of an
23 e-mail dated October 2, 2002, that I will
24 ask the court reporter to mark as

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1 Exhibit-10 for identification.

2 - - -

3 (Whereupon, Exhibit Robins-10

4 was marked for identification.)

5 - - -

6 BY MR. ARMSTRONG:

7 Q. Do you recognize that

8 document?

9 A. No, I don't recognize it.

10 Q. Let me show you a copy of a

11 document that's been marked as Exhibit-48

12 to the Emerald deposition. Do you

13 recognize that document?

14 A. No, I don't.

15 Q. Do you know why Emerald

16 would be billing Sea Star for a unit that

17 was gate out Packer on April 22, 2002?

18 MR. MOLDOFF: Objection to

19 form.

20 THE WITNESS: I would have

21 to check it, but the -- I would

22 have to check it to see what the

23 load was, because -- I can't tell

24 you from this. I would have to

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1 check it.

2 BY MR. ARMSTRONG:

3 Q. As of April 22, 2002, any

4 load would have been an NPR load, would

5 it not?

6 A. That's true, but they would

7 have gotten the -- the revenue would go

8 to Sea Star Line.

9 Q. For this load?

10 A. I don't know. I have to

11 check it. But all the revenue for the

12 last week went to Sea Star Line.

13 Q. Who told you that?

14 A. Bob Leach told me that.

15 Because I was having a problem, because

16 they -- the truckers had to be paid. And

17 he guaranteed the payment of the truckers

18 for that week.

19 Q. When you say that week --

20 A. The week between whatever it

21 was and ending on April 26th.

22 Q. When did you have this

23 conversation with Bob Leach?

24 A. I don't know whether it was

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1 on the phone or when he was -- I believe
2 he was in our office. Because I
3 couldn't, in good conscience, ask
4 truckers to haul freight and not get
5 paid.

6 Q. Was this conversation before
7 the closing?

8 A. Yes.

9 Q. Do you recall any other
10 conversations with Bob Leach before the
11 closing?

12 A. No, that was the only one.

13 Q. Let me show you a copy of a
14 series of e-mails dated November 7th and
15 November 8, 2002, that I will ask the
16 court reporter to mark as Exhibit-11 to
17 this deposition.

18 - - -

19 (Whereupon, Exhibit Robins-11
20 was marked for identification.)

21 - - -

22 BY MR. ARMSTRONG:

23 Q. Do you recognize those
24 documents?

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1 A. No.

2 Q. Do you recall Mr. Davis

3 telling CSX not to let Sea Star use

4 equipment?

5 A. No, I do not.

6 MR. MOLDOFF: Objection to

7 form.

8 THE WITNESS: No, I do not.

9 MR. ARMSTRONG: Let's break

10 for lunch.

11 - - -

12 (Whereupon, a recess was

13 taken.)

14 - - -

15 BY MR. ARMSTRONG:

16 Q. Let me show you a copy of a

17 telefax and attached letter which has

18 been marked as Exhibit-21 to the Emerald

19 deposition. Have you seen that before?

20 A. No, I haven't.

21 Q. Look at the last page. Do

22 you recognize the handwriting on the last

23 page, other than the signature?

24 A. Absolutely not.

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LORRAINE T. ROBINS

1 Q. I show you a copy of e-mails
2 that I will ask the court reporter to
3 mark as Exhibit-12 to this deposition.

4 - - -

5 (Whereupon, Exhibit Robins-12
6 was marked for identification.)

7 - - -

8 BY MR. ARMSTRONG:

9 Q. Do you recognize that
10 document?

11 A. I probably saw this before,
12 yes. Do you have a specific question?

13 Q. Yes, look at PRMZ 004250.
14 It states in part, "This unit originally
15 went out of Packer Avenue terminal late
16 March '02 for the account of NPR."

17 A. Right.

18 Q. "On May 11, 2002, it
19 delivered a loaded container to Port
20 Elizabeth via your carrier North Star.
21 Based on this information this chassis
22 should have been put on lease from
23 4/27/02 until same is returned in
24 accordance with lease agreement."

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1 Is that information that you

2 provided Port Elizabeth?

3 A. Yes, I would have provided

4 that.

5 Q. If the container, loaded

6 container, was delivered to Port

7 Elizabeth on May 11, 2002, what was the

8 basis for saying that this chassis should

9 have been put on lease from 4/27/02?

10 A. Well, originally -- and I

11 had changed them all -- I was using the

12 wrong date. It should be 4/29/02. I

13 would have to check this and -- I know

14 it's been corrected to 4/29/02. But the

15 other reasons, I would have to check it

16 and see what documentation I had.

17 But at that particular time

18 quite a few containers were delivered to

19 Newark or Port Elizabeth. This is when Z

20 Star was using CSX Lines to take their

21 cargo up this way, down to Puerto Rico or

22 somewhere, I don't know where.

23 And again, I don't know what

24 kind of -- we had a Maersk gate log,

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LORRAINE T. ROBINS

1 probably, on this. We didn't go into

2 that, though.

3 Q. Can you tell from this

4 paragraph what information you had?

5 A. No, I can't. I know I had

6 Port Elizabeth, but I can't tell what

7 other information I had. I had something

8 that had Sea Star touching the container

9 and using the container. It was not

10 billed.

11 Q. So if you found that Sea

12 Star touched the container --

13 A. Used it, used it.

14 Q. How did you determine

15 whether a container that Sea Star touched

16 was used by Sea Star?

17 A. Well, look at the next one.

18 Q. I'm asking you in general,

19 how did you make that determination?

20 A. In general?

21 Q. Yes.

22 A. Again, with the

23 documentation that I had.

24 Q. What documentation was that?

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1 A. The move histories which --
2 the TIRs, the CSX and any other
3 documentation that I had. I'd have to go
4 to each unit to see what documentation
5 was provided and the source of the
6 documentation. I can't just tell from a
7 few lines like this.

8 But as I said before, we
9 gave as much information as we could in
10 our comments.

11 Q. Let me show you a copy of a
12 handwritten document which I will ask the
13 court reporter to mark as Exhibit-13 for
14 identification.

15 - - -

16 (Whereupon, Exhibit Robins-13
17 was marked for identification.)

18 - - -

19 BY MR. ARMSTRONG:

20 Q. Do you recognize that
21 document?

22 A. Yes.

23 Q. Is this from Arthur Davis to
24 you?

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1 A. Yes, it is.

2 Q. What did you understand that

3 he meant in saying, quote, to help your

4 blood flow, unquote?

5 MR. MOLDOFF: Objection to

6 form.

7 THE WITNESS: You would have

8 to ask Arthur Davis that.

9 BY MR. ARMSTRONG:

10 Q. Did you have an

11 understanding of what that means?

12 A. Well, it looked like I was

13 going to have to do a lot more work in

14 checking containers and seeing if they

15 were billable. According to what he says

16 in his top part, in his comments, it

17 looks like they were containers in one

18 spot, and all of a sudden they showed up,

19 in quotes, our area.

20 Q. What is quote, our area,

21 unquote?

22 A. I don't know.

23 Q. Did you ever ask him what,

24 quote, our area, unquote, is?

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LORRAINE T. ROBINS

1 MR. MOLDOFF: Objection to

2 form.

3 THE WITNESS: No, I did not.

4 I know that there was an area that

5 was supposed to be set aside for

6 our equipment.

7 BY MR. ARMSTRONG:

8 Q. Was this an area in San

9 Juan?

10 A. Yes, definitely San Juan.

11 This is definitely from San Juan. March

12 '03.

13 Q. Do you recall notifying Sea

14 Star that chassis had been located in its

15 care and custody?

16 A. I don't understand what you

17 mean by that. I have quite a few e-mails

18 going back and forth.

19 Q. I will show you a copy of an

20 e-mail with that phrase in it. I ask you

21 what you meant when you said care and

22 custody.

23 A. I meant that they were using

24 it. That's what I meant.

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1 Q. How did you determine that
2 units in Sea Star's care and custody were
3 in use by Sea Star?

4 A. This would be information
5 that was given to me by Arthur Davis when
6 he was down there, and he gave me the
7 list of them. They were being used on
8 the pier, and that was why I sent this
9 e-mail.

10 And I tried, as you can see,
11 I tried to give you as much information
12 on them as possible.

13 Q. Am I correct in
14 understanding that if a unit was on the
15 perimeter of Sea Star's terminal, you
16 considered that unit as being in use by
17 Sea Star as a fence?

18 A. No.

19 MR. MOLDOFF: Objection to
20 form.

21 THE WITNESS: No.

22 BY MR. ARMSTRONG:

23 Q. How did you determine what
24 units were being used as a fence?

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LORRAINE T. ROBINS

1 A. Mr. Davis took an inventory
2 of how the units were stacked around to
3 make the fence, at which time we did
4 inform Sea Star Line. And I believe they
5 have since -- sometime in March or so,
6 broke down the fence.

7 Q. March of what year?

8 A. '03.

9 Q. How did you learn that Sea
10 Star had broken down the fence in March
11 of '03?

12 A. Mr. Davis was back in Puerto
13 Rico again. I think that is the date.
14 I'm not positive, because he was there
15 again in July of '03. It may have been
16 July of '03 rather than March.

17 Q. Let me show you a copy of
18 e-mails that I will ask the court
19 reporter to mark as Exhibit-14 for
20 identification.

21 - - -

22 (Whereupon, Exhibit Robins-14
23 was marked for identification.)

24 - - -

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LORRAINE T. ROBINS

1 BY MR. ARMSTRONG:

2 Q. Do you recall this e-mail?

3 A. I don't recall the e-mail,

4 but I remember discussing it.

5 Q. With whom did you discuss

6 it?

7 A. With Arthur.

8 Q. What discussion did you

9 have --

10 A. About the container for the

11 AGA group.

12 The question?

13 Q. Do you recall those e-mails?

14 A. Not specifically, but I know

15 that I've read this e-mail before.

16 Q. Look at the bottom of the

17 page, first reference is PRMC 170211.

18 Was that gate out Philadelphia?

19 A. 7/25.

20 Q. 4/25?

21 A. 4/25, yes.

22 Q. That's 4/25/2002?

23 A. Mm-hum.

24 Q. To Roadway. What is

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1 Roadway?

2 A. Trucking company.

3 Q. And then gate out, 5/7,

4 Elizabeth Roadway?

5 A. Yes, it is gate out.

6 Q. Then gate in, 7/26, Houston,

7 First Coast in your pool?

8 A. Mm-hum.

9 Q. Based on that information,

10 how would you determine that that chassis

11 should have been put on hire as of April

12 27, 2002?

13 A. Based on the fact that -- I

14 would really -- I may have even more

15 information on it if I pulled up my

16 records, but based on the fact that

17 Roadway was a trucker that was used by

18 Sea Star, and Elizabeth was a port where

19 they had delivered quite a bit of cargo,

20 and Houston First Coast is definitely a

21 house carrier for them.

22 Q. Are you saying that PRMC 170

23 211 was gate out Philadelphia on April

24 25, 2002, for Sea Star?

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LORRAINE T. ROBINS

1 A. I imagine so, yes.

2 Q. That was before the closing,

3 was it not?

4 A. Yes, it was. But it could

5 have been an empty box.

6 Q. Was Sea Star using Emerald

7 equipment before the closing?

8 A. On this one, I have to see

9 what load was with it.

10 Q. Well, look at PRMC 170318.

11 Gate out Philadelphia 4/16 to CSX

12 Railroad. Correct?

13 A. Well, this had to be CSX

14 Railroad Systems, because I would have --

15 if you look at this move history, which

16 we did provide for you, you will see all

17 the various moves it had during that

18 period of time, until it finally ended up

19 in First Coast.

20 Q. Gate out Philadelphia, on

21 April 16th, was 11 days before the

22 closing, wasn't it?

23 A. It was.

24 Q. And that would have been a

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1 gate out for NPR, would it not?

2 A. Yes, it would. But in June,
3 July and May, when it was riding the
4 rails, it wasn't for NPR.

5 Q. How can I tell from this
6 that it was riding the rails in June,
7 July and May?

8 A. Just not from this, but if I
9 had my work history I could give you all
10 the dates.

11 As I said before, CSX gave
12 us the advice daily on the movements of
13 the equipment marked PRMC, PRMZ, PRMU,
14 UFCC, TWXZ.

15 Q. With respect to PRMZ 168726,
16 the e-mail shows gate out Jacksonville,
17 April 16, 2002, to CSX Railroad.
18 Correct?

19 A. That's correct.

20 Q. That would have been an NPR
21 move. Correct?

22 A. Same as the 170318. The
23 information. And sometimes I had two
24 pages of movement on the rails.

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1 Q. That information is not
2 included in this e-mail, if it exists.

3 Correct?

4 MR. MOLDOFF: Objection to
5 form.

6 THE WITNESS: That is not
7 included in this e-mail, and it
8 does exist.

9 BY MR. ARMSTRONG:

10 Q. Do you recall these three
11 units?

12 A. Not specifically.

13 Q. Let me show you a copy of an
14 e-mail dated March 19, 2003, that I will
15 ask the court reporter to mark as
16 Exhibit-15 to this deposition.

17 - - -

18 (Whereupon, Exhibit Robins-15
19 was marked for identification.)

20 - - -

21 BY MR. ARMSTRONG:

22 Q. Have you seen that document
23 before?

24 A. Yes, I have.

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1 Q. Is that a true and correct
2 copy of an e-mail that you received?

3 A. I imagine so. I don't know
4 if it's a true and correct copy.

5 Q. Let me show you a copy of an
6 e-mail together with attachment that is
7 dated March 25, 2003, and ask you whether
8 you recognize that document. I will ask
9 the court reporter to mark it as
10 Exhibit-16.

11 - - -

12 (Whereupon, Exhibit Robins-16
13 was marked for identification.)

14 - - -

15 THE WITNESS: Yes.

16 BY MR. ARMSTRONG:

17 Q. Is that a true and correct
18 copy of an e-mail that you sent?

19 A. Yes.

20 Q. Do you recognize the prefix
21 EISU?

22 A. No, I don't know who that
23 is.

24 Q. That's not an Emerald box,

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LORRAINE T. ROBINS

1 is it?

2 A. No, it is not. The only
3 Emerald boxes were prefixed PRMU on the
4 boxes, all of them.

5 Q. Let me show you a copy of a
6 series of e-mails that I will ask the
7 court reporter to mark as Exhibit-17 for
8 identification.

9 - - -

10 (Whereupon, Exhibit Robins-17
11 was marked for identification.)

12 - - -

13 BY MR. ARMSTRONG:

14 Q. Do you recognize that
15 document?

16 A. Did I get a copy of this?
17 Maybe I did.

18 MR. MOLDOFF: Is the
19 question whether she ever
20 remembers seeing that?

21 THE WITNESS: No, I don't
22 remember it.

23 BY MR. ARMSTRONG:

24 Q. Going back to Exhibit-16 for

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LORRAINE T. ROBINS

1 the moment, the second page, the
2 attachment is a reference to EMR 011B.

3 Do you know what that is?

4 A. That's just an Emerald
5 number. I don't know what that is
6 exactly. I think you will find out if
7 these have that.

8 Q. Is that a document?

9 A. No, it's not a document, I
10 don't think. I don't know exactly what
11 it means, but they all come up with that.
12 All the move histories.

13 Q. There's also some
14 handwriting on it. Do you recognize the
15 handwriting?

16 A. No.

17 Q. Do you know what that means?

18 A. Nope. It seems to me that
19 these are the TXXZ chassis, and there
20 were quite a few of them that Emerald had
21 on lease, but there was also a series
22 that -- I think it was Track Leasing had,
23 and a lot of these containers were
24 returned to -- these chassis were

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 returned to Track Leasing and not
2 returned to NPR. So I don't know what
3 that means.

4 Q. Returned by whom to Track
5 Leasing?

6 A. Sea Star.

7 Q. Well, Sea Star Line would
8 not be returning equipment to NPR, would
9 it?

10 A. No, it would be returning it
11 to Emerald.

12 Q. Let me show you a copy of a
13 series of e-mails which I will ask the
14 court reporter to mark as Exhibit-18 for
15 identification.

16 - - -

17 (Whereupon, Exhibit Robins-18
18 was marked for identification.)

19 - - -

20 BY MR. ARMSTRONG:

21 Q. Do you recall receiving a
22 copy of the A. Davis e-mail dated May 22,
23 2003?

24 A. Yes, I remember this.

ESQUIRE DEPOSITION SERVICES

133

LORRAINE T. ROBINS

1 Q. Did you and Arthur Davis
2 have any discussions regarding his e-mail
3 to Andy Rooks?

4 A. No. The e-mail speaks for
5 itself.

6 Q. It reefers to containers
7 that were used as a fence. Do you know
8 where those were?

9 A. San Juan.

10 Q. Do you know where in San
11 Juan?

12 A. I don't know the exact
13 location. I'm not that familiar with the
14 pier.

15 Q. Do you know what containers
16 were used for storage?

17 A. I have a list of them. I
18 don't have it with me now.

19 Q. What happened to the list?

20 A. Once I billed it and stated
21 what it was used for, I didn't keep the
22 list. I transferred the data into the
23 invoice.

24 Q. Did you then dispose of the

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 original list?

2 A. The original list, yes. I
3 don't have the original list, I don't
4 believe.

5 Q. Do you know what was
6 stored --

7 A. What was stored? There's
8 no --

9 Q. In these containers used for
10 storage.

11 A. Yes, records and things.

12 Q. Were those the NPR records?

13 A. I believe there was some NPR
14 and some Sea Star records.

15 Q. What is the basis for your
16 belief that there were Sea Star records
17 in those containers?

18 A. I think there was a series
19 of e-mails that went back and forth on
20 that one.

21 Q. Let me show you a copy of a
22 letter dated August 28, 2003, which has
23 been marked as Exhibit-56 to the Emerald
24 deposition. Have you seen that letter

ESQUIRE DEPOSITION SERVICES

135

LORRAINE T. ROBINS

1 before?

2 A. No, I haven't.

3 Q. Do you recall any

4 discussions with Tom Holt, Senior

5 regarding the equipment in transit?

6 A. This was --

7 MR. MOLDOFF: Objection to

8 form.

9 THE WITNESS: No, I don't.

10 This was probably the first

11 time -- is this all in transit? I

12 didn't even read the letter.

13 No, I didn't see this letter

14 and I didn't discuss it with Tom

15 Holt.

16 BY MR. ARMSTRONG:

17 Q. Let me show you a copy of a

18 series of e-mails dated August and

19 September 2003 that I will ask the court

20 reporter to mark as Exhibit-19 to this

21 deposition.

22 - - -

23 (Whereupon, Exhibit Robins-19

24 was marked for identification.)

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 - - -

2 BY MR. ARMSTRONG:

3 Q. Do you recognize those
4 e-mails?

5 A. I don't remember the
6 instance so much but -- I don't remember
7 it. Your question on this?

8 Q. Do you recognize those
9 e-mails?

10 A. I don't remember them.

11 Q. Do you recognize the first
12 e-mail?

13 A. As I said, I don't remember
14 them. I did send it. I don't remember
15 what it was about.

16 Q. You don't remember why you
17 would have said, "Can't see any deal we
18 can make"?

19 A. Art said that. No, I don't
20 know why he said that.

21 Q. Well, apparently you said
22 it, looking at the e-mail at the top. Do
23 you see that?

24 A. Oh, yes.

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 Q. Are you not addressing Art?

2 A. I don't know what they were

3 asking. I will have to read the whole

4 e-mail.

5 Q. You were going to say

6 something?

7 A. I don't recall -- there must

8 have been conversations going back and

9 forth between Andy Rooks, Arthur Davis

10 and he must have told me about it, and I

11 don't know what deal I'm talking about.

12 Because from reading this, the returns

13 were the returns.

14 The only thing -- there was

15 a problem with the containers that had

16 crushed cars in them. And I think that

17 was the -- I think that's what was

18 prompted us to say that. I don't know

19 what they were. I don't remember.

20 Q. On the bottom, do you see

21 the lettering H.O.L.T.? Is that a

22 company?

23 A. Yes, that's the abbreviation

24 for Holt Oversight Logistics Technology.

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 Q. Let me show you a copy of an
2 e-mail dated September 16, 2003, that I
3 will ask the court reporter to mark as
4 Exhibit-20 for identification.

5 - - -

6 (Whereupon, Exhibit Robins-20
7 was marked for identification.)

8 - - -

9 BY MR. ARMSTRONG:

10 Q. Do you recognize that
11 document?

12 A. I don't recall the document,
13 but I recall conversations with Arthur
14 discussing -- Arthur was trying to assist
15 Sea Star by selling some of the equipment
16 from their depots that they used.

17 Q. Those were depots were
18 Arthur Davis had customers for the
19 equipment?

20 A. If he had a customer.

21 Q. He would sell, at the
22 depots, if he had a customer in the area.
23 Is that correct?

24 A. No. As it says here, he was

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 advised that he had -- that they had
2 equipment -- that Sea Star had equipment
3 at Shaw, and he's saying that he will do
4 what he can to sell the equipment to that
5 place to save them the expense of
6 bringing it back to port.

7 Q. With respect to equipment
8 that he was selling, when did the
9 off-hire end or on-hire end?

10 A. In this case it would be
11 when he sold it.

12 Q. Was that true in every case?

13 A. As long as it was Sea Star
14 equipment that was placed in depots by
15 Sea Star, it was true.

16 Q. Would you take equipment off
17 hire if Arthur Davis asked Sea Star to
18 reserve the equipment for sale?

19 A. No.

20 MR. MOLDOFF: Objection to
21 form.

22 BY MR. ARMSTRONG:

23 Q. You would not take it off
24 hire unless it was actually sold?

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 A. Arthur never reserved for

2 sale. He either sold it or he didn't

3 sell it.

4 Q. Look at PRMZ 084059. Gate

5 out JAX, 4/26/02. That was before the

6 closing. Correct?

7 A. That was the day of the

8 closing.

9 Q. The closing was on April 27,

10 2002 at three o'clock a.m., was it not?

11 A. I don't think so. I think

12 the funds changed hands on the 26th.

13 Q. Where did you get that

14 information?

15 A. I don't know.

16 Q. Assume that 4/26/02 was the

17 day before the closing --

18 A. It could have been an

19 in-transit load. Because the last

20 vessel, the MAYAGUEZ, discharged on the

21 26th. In all probability it was gate

22 out -- I would have to look at the report

23 on that.

24 Q. It was gate in Shaw,

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 7/26/02, per Andy Rooks?

2 A. That was the inventory from
3 Andy Rooks that I spoke to you about, and
4 Shaw is a trucker that NPR never used. I
5 believe he is a house carrier for Sea
6 Star Line.

7 Q. And now, why would you
8 charge per diem for the period between
9 April 26, 2002 and July 26, 2002?

10 A. Well, as I said to you
11 before, Mr. Armstrong, I wasn't aware of
12 the voyaging transit moves, so on this
13 particular one I would have gone back and
14 given them a credit for the 14th days
15 that -- if it was in transit, if it was a
16 load, I would have given them credit for
17 14 days when it was in transit.

18 Q. And you would have assumed
19 that that piece of equipment was in Sea
20 Star's possession at the end of the 14th
21 days?

22 A. Absolutely.

23 Q. And that was the assumption
24 on which you based your revised billing?

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 A. If, in fact, I checked this
2 and it was a load discharged from the
3 MAYAGUEZ, who -- and it went out of the
4 terminal, which I should have more
5 information on, because most of my notes
6 were written right on the sheet, I would
7 have, yes.

8 Q. On what sheet?

9 A. The move history sheets.
10 Copies of those were given to you.

11 Q. You show PRMC 151000 in Mr.
12 Davis' e-mail, gate in JAX, 4/26/02. Is
13 that correct?

14 A. Correct.

15 Q. Gate in JAX would have been
16 gate into the NPR terminal. Correct?

17 A. That's correct.

18 Q. Why would something that was
19 gate in JAX 4/26/02 be on Sea Star's
20 self-billing report?

21 A. Well, it could have been a
22 load that went on this ship, because on
23 the 26th the ship was loading down there,
24 also. Or the 27th. I would have to

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 check the records to see what else I had
2 -- what other documentation I had on this
3 chassis.

4 Q. There is no other
5 information provided in this September
6 16, 2003 e-mail. Is that correct?

7 A. That's correct. That
8 information would have been provided on
9 the billing.

10 Q. I show you a copy of an
11 e-mail dated September 16, 2003. I will
12 ask the court reporter to mark it as
13 Exhibit-21 for identification.

14 - - -

15 (Whereupon, Exhibit Robins-21
16 was marked for identification.)

17 - - -

18 BY MR. ARMSTRONG:

19 Q. Do you recall receiving a
20 copy of that e-mail?

21 A. I don't remember it
22 specifically, but I'm sure that I did.

23 Q. Let me show you a copy of
24 some e-mails dated September 4, 9th and

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 22, 2003, which I will ask the court

2 reporter to mark as Exhibit-22 for

3 identification.

4 - - -

5 (Whereupon, Exhibit Robins-22

6 was marked for identification.)

7 - - -

8 BY MR. ARMSTRONG:

9 Q. Do you recall seeing those

10 e-mails?

11 A. No.

12 Q. Do you recall any

13 discussions with Arthur Davis regarding

14 per diem charges for the unit specified

15 in the e-mails?

16 A. No. This looks like -- it

17 was in Miami and they are asking Arthur

18 if he could -- what he can do to help

19 them so he doesn't have to reposition it.

20 Q. What does Arthur say?

21 A. Let me know when the chassis

22 is at your terminal and I will arrange to

23 have it picked up. I don't know what

24 they are talking about.

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 MR. MOLDOFF: There is no

2 question pending.

3 BY MR. ARMSTRONG:

4 Q. Let me show you a copy of an

5 e-mail that has been identified as

6 Exhibit-57 to the Emerald deposition.

7 Have you seen that before?

8 A. No, I haven't.

9 Q. Do you know whether you

10 charged per diem for Emerald equipment

11 moved by Sea Star from San Juan to

12 Jacksonville at Arthur Davis' request?

13 A. That bill has not been paid

14 by Emerald as of yet.

15 Q. Do you know whether Emerald

16 charged per diem for that?

17 A. Oh, per diem? No,

18 absolutely did not. Not for the move.

19 We may have charged per diem for the

20 equipment if it was on hire prior to the

21 shipping.

22 Q. When did you take it off

23 hire?

24 A. When it was returned to

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 Arthur Davis in San Juan.

2 Q. You didn't take it off hire

3 when it entered the Sea Star terminal and

4 a TIR was signed?

5 A. It was taken off hire when

6 it was given to Arthur with a TIR and he

7 signed it.

8 Q. Who instructed you to do it

9 that way?

10 A. Who instructed me? Arthur

11 did.

12 Q. Is that what Arthur did?

13 A. Absolutely.

14 Q. And that's what Arthur told

15 you to do?

16 A. No. You are mixing up what

17 I said. What I said is the equipment was

18 taken off hire when Arthur signed the

19 TIRs. Arthur gave me the copies of the

20 TIRs, which I attached to the -- when he

21 came back from Puerto Rico, which I

22 attached to the self-billing reports, and

23 that's when they went off hire.

24 Q. Now, who told you to keep

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 the equipment on hire until Arthur Davis

2 signed those TIRs?

3 A. No one told me that.

4 Q. You made that decision on

5 your own?

6 A. No. I made that decision

7 based upon the documentation I had for

8 each unit. I did not say -- I may not

9 have billed all of them. I can't tell

10 you. I have to check the whole list.

11 Q. You had read the redelivery

12 section of the equipment rental

13 agreement, had you not?

14 A. Mm-hum, yes.

15 Q. You were aware that Sea

16 Star's terminal in San Juan was a

17 designated terminal for redelivery?

18 A. That's correct.

19 Q. And you were aware that a

20 TIR signed by Sea Star in San Juan was a

21 redelivery document. Correct?

22 MR. MOLDOFF: Objection to

23 form.

24 THE WITNESS: No, it was

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 not, because it wasn't a
2 redelivery document unless a
3 representative from Emerald signed
4 it. There was no notification
5 whatsoever on it.

6 BY MR. ARMSTRONG:

7 Q. Now, show me in paragraph
8 ten the provision relating to the
9 requirement that a representative of
10 Emerald sign.

11 A. Paragraph A. From Puerto
12 Rico and -- I very rarely -- we didn't
13 get redelivery notices.

14 MR. MOLDOFF: Objection to
15 form.

16 BY MR. ARMSTRONG:

17 Q. It's a very simple question.
18 Show me the language in paragraph ten,
19 please.

20 MR. MOLDOFF: You can tell
21 him whatever your understanding
22 is.

23 THE WITNESS: It's my
24 understanding.

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 BY MR. ARMSTRONG:

2 Q. Do you see any language
3 relating to your understanding in
4 paragraph ten?

5 MR. MOLDOFF: A contract has
6 been construed by the --

7 THE WITNESS: A TIR alone,
8 regardless of what this says, my
9 understanding is that it has to be
10 a representative. I believe you
11 will find it is practiced
12 throughout the port, that if you
13 have a TIR, a representative or an
14 agent co-signs it. You will not
15 find a TIR that has a one-way
16 signature.

17 BY MR. ARMSTRONG:

18 Q. To what port are you
19 referring?

20 A. Port? All ports.

21 Q. All ports in the world?

22 A. No, all ports in the United
23 States. All container ports in the
24 United States.

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 Q. Now, did you and Mr. Davis

2 ever discuss your understanding?

3 A. I believe -- I not only

4 discussed it with him, but I believe I

5 also e-mailed Mr. Rooks my understanding

6 that it had to be signed by a

7 representative of Emerald.

8 Q. Did you and Mr. Davis ever

9 discuss why he was asked to sign TIRs in

10 December 2003?

11 A. Yes, because they were

12 delivering the cargo to him. This was

13 December 2nd and 3rd, and on the

14 second -- he came back on the 3rd, 4th

15 and they were gone.

16 Q. They were already in the

17 terminal when he signed the TIRs, were

18 they not?

19 MR. MOLDOFF: Objection to

20 form.

21 THE WITNESS: I don't know

22 where they were.

23 BY MR. ARMSTRONG:

24 Q. And those were pieces of

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 equipment that Mr. Davis wanted shipped

2 to Jacksonville. Is that correct?

3 A. That is correct.

4 Q. And Mr. Davis signed TIRs to

5 attest to the condition of that equipment

6 prior to shipment, did he not?

7 MR. MOLDOFF: Objection to

8 form.

9 THE WITNESS: No, that's not

10 true. He signed as for receipt --

11 not the condition, the receipt.

12 BY MR. ARMSTRONG:

13 Q. That's what he told you?

14 A. That's what he did.

15 Q. Did he tell you that?

16 A. When you sign a TIR, you

17 sign for the condition and receipt that

18 acknowledges that you have the piece of

19 equipment.

20 If you are familiar with a

21 TIR form, you will see the terms and

22 conditions are clearly spelled out on the

23 form.

24 Q. Perhaps now you will answer

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 my question.

2 MR. MOLDOFF: Wait a minute.

3 That's argumentative and improper.

4 If you want to ask the question

5 properly, please do.

6 BY MR. ARMSTRONG:

7 Q. Did he tell you that?

8 A. Tell me what?

9 Q. That he signed the TIR to
10 acknowledge receipt of the equipment?

11 MR. MOLDOFF: If you
12 remember.

13 THE WITNESS: No, I don't
14 remember him saying anything. I
15 got the TIRs, I saw he signed
16 them.

17 BY MR. ARMSTRONG:

18 Q. And you assumed --

19 A. I didn't assume. As I told
20 you, where he signed it were the terms
21 and conditions. And where he had certain
22 things, he made notations the TIRs.

23 These TIRs I have copies of.

24 Q. And your requirement that an

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 Emerald representative sign the TIR is
2 regardless of the language in paragraph
3 ten?

4 MR. MOLDOFF: Objection to
5 form.

6 THE WITNESS: I'm telling
7 you what my understanding is. My
8 understanding in the industry is,
9 a TIR is signed by the terminal
10 and an agent for the line or the
11 owner of the equipment. It is not
12 a one-way receipt.

13 And the reason that Arthur
14 was shipping them to Jacksonville
15 was because we were trying to
16 clear out all the equipment from
17 the terminal there.

18 BY MR. ARMSTRONG:

19 Q. So you had been asked to
20 clear the equipment out by Sea Star. Is
21 that correct?

22 A. That's correct.

23 Q. Did you, in fact, clear all
24 of the equipment out of the Sea Star

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 terminal in San Juan?

2 MR. MOLDOFF: If you know.

3 THE WITNESS: I don't know.

4 I know that -- what I did know is

5 that very recently a bill was sent

6 with a -- we finally got a list of

7 the equipment. I have to check to

8 see how that correlates with

9 everything.

10 BY MR. ARMSTRONG:

11 Q. How what correlates?

12 A. The list that I got last

13 week or the week before last.

14 THE WITNESS: I think it

15 came through you, Alan, did it

16 not? And the one that I had on

17 the 30th. Their last list.

18 BY MR. ARMSTRONG:

19 Q. Let me show you a copy of

20 Exhibit-58 to the Emerald deposition.

21 Have you seen that before?

22 A. No.

23 Q. Were you aware of the move?

24 A. I was aware of the move.

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 Q. Do you know when you stopped

2 billing per diem for that equipment?

3 A. I would have to find out

4 what the equipment was.

5 Q. Let me show you a copy of a

6 document that I will ask the court

7 reporter to mark as Exhibit-23 for

8 identification.

9 - - -

10 (Whereupon, Exhibit Robins-23

11 was marked for identification.)

12 - - -

13 BY MR. ARMSTRONG:

14 Q. Do you recognize that

15 document?

16 A. No, I don't.

17 Q. Do you recognize any of the

18 handwriting on the document?

19 A. No.

20 Q. Let me show you a copy of a

21 note dated January 14, 2004. It has been

22 marked as Exhibit-59 to the Emerald

23 deposition. Have you seen that before?

24 A. No, I never saw this before.

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 Q. Do you know whether Emerald

2 was billing Sea Star for the equipment

3 that is listed in that memo or note?

4 A. I would have to go back and

5 check each one. I can't tell you by just

6 looking at it.

7 Q. Let me show you a copy of a

8 document dated May 11, 2004, that's been

9 marked as Exhibit-62 to the Emerald

10 deposition. Have you ever seen that

11 before?

12 A. No, I have not.

13 Q. In your billings, did you

14 bill Sea Star for cost of any equipment

15 that Sea Star had returned?

16 A. I don't understand your

17 question.

18 Q. Did you bill Sea Star for

19 any amount in excess of per diem billings

20 for any of the equipment that Sea Star

21 returned?

22 A. In excess -- no, I didn't,

23 if they returned it.

24 Q. If Sea Star returned the

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 equipment, would there be any billings

2 for stipulated value?

3 A. Not if they returned the

4 equipment.

5 Q. Would there be any billings

6 for anything other than per diem on

7 equipment that Sea Star returned?

8 A. That Sea Star returned?

9 Q. Yes.

10 A. No, there would not be.

11 Q. In your calculation of the

12 Emerald equipment leasing invoice to Sea

13 Star, dated August 2003, 2004, you billed

14 for, in part, by category, for 40-foot

15 chassis not terminated as per lease

16 equipment and additional rent. Do you

17 recall that?

18 A. Yes, I do.

19 Q. Does that reflect any

20 chassis that Sea Star returned to

21 Emerald?

22 A. No, it does not. If there

23 were returns later than that bill, they

24 were adjusted.

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 Q. And how were they adjusted?

2 A. I would have to check it.

3 Q. Was there any formula that
4 you used for calculating the adjustment?

5 A. If, in fact, it was a Sea
6 Star return -- I have to see the bill.

7 Q. I'm just asking whether
8 there was a formula that you used in
9 calculating adjustments.

10 A. It depends on when it was
11 returned.

12 Q. Would it be fair to say that
13 any unit that is shown as adjusted was a
14 unit that was returned?

15 A. I think I gave the reason at
16 the bottom of the last page of that bill
17 that you are looking at, why it was
18 adjusted. I haven't seen that -- did I
19 not?

20 Q. When you say that chassis
21 were recovered by an outside agency --

22 MR. MOLDOFF: When she says

23 "where," what were you referring

24 to?

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 MR. ARMSTRONG: Would you

2 let me finish the question?

3 MR. MOLDOFF: No. I think

4 you should show her the document.

5 BY MR. ARMSTRONG:

6 Q. Had Emerald appointed any

7 outside agency to recover chassis in San

8 Juan?

9 A. There was an agent that was

10 working, recovering chassis in San Juan.

11 Q. Who was that agent?

12 A. Ariel -- I have to get his

13 name.

14 Q. Is that his first name?

15 A. That was his first name.

16 And he recovered quite a bit. So on

17 those, what we would do is, we would

18 adjust the stipulated value and subtract

19 from that -- if we got, say, \$1,000 for

20 the chassis when we sold it, after we got

21 it back, I would take that thousand

22 dollars off. I would adjust it by that.

23 As far as the per diem

24 charges go, we are still waiting for an

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 opinion as to whether it should be the
2 per diem charge or the interest charge
3 for nonpayment of bills at 18 percent.

4 Q. Where did you get the 18
5 percent?

6 A. It's in the contract. The
7 lease agreement.

8 Q. And you are awaiting an
9 opinion from whom?

10 A. Counsel.

11 Q. Mr. Moldoff?

12 A. Do you know what I'm talking
13 about? Off the record.

14 Q. I'm just asking you whether
15 counsel is Mr. Moldoff.

16 A. Mr. Moldoff, yes.

17 Q. So your adjustment was equal
18 to the difference between the stipulated
19 value of a piece of equipment and the
20 selling price for that piece of
21 equipment?

22 A. That's correct.

23 Q. Were there any other factors
24 included in that?

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 A. No.

2 Q. Is that true for all

3 categories of equipment?

4 A. Well, what do you mean by

5 all categories? All adjustments?

6 Q. Were there adjustments in

7 other categories, other than the chassis?

8 A. Every category.

9 Q. And was the formula the same

10 for every category?

11 A. Yes, it was.

12 Q. Did you recover equipment in

13 other categories?

14 A. We recovered reefers, we

15 recovered containers and chassis. A lot

16 of this equipment was recovered at

17 Tropical, and it was recovered inner-

18 ship. It was recovered all over the

19 island.

20 Q. If the equipment had been

21 included in one of the inventories in San

22 Juan, it should not have been billed as

23 not terminated as per lease agreement.

24 Correct?

ESQUIRE DEPOSITION SERVICES

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LORRAINE T. ROBINS

1 MR. MOLDOFF: Objection to
2 form.

3 THE WITNESS: Not
4 necessarily. It depends on
5 whether it was terminated and
6 taken out again. I can't give
7 that as a blanket answer. If you
8 have a specific unit, I would have
9 to check it.

10 BY MR. ARMSTRONG:

11 Q. You would have to go back to
12 your own records to check that?

13 A. That's right. Bear in mind,
14 you are talking about thousands of pieces
15 of equipment. It's awfully hard to
16 remember all of them.

17 Q. If the equipment was in the
18 showroom, that equipment was in Emerald's
19 possession. Correct?

20 A. That's correct.

21 Q. None of that equipment
22 should have been billed for a stipulated
23 value. Correct?

24 A. Again, I don't know unless I

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LORRAINE T. ROBINS

1 check the equipment, because there are
2 pieces of equipment that came out of the
3 showroom once the stacks were broken down
4 that were taken by NPR. So -- sorry, I
5 mean Sea Star Line. So I will have to,
6 again, check each piece of equipment.

7 Q. Once the stacks were broken
8 down where?

9 A. In the showroom. I think
10 they bundled some and sent it there.

11 Q. Who bundled some?

12 A. Sea Star Line.

13 Q. Well, equipment taken out of
14 the showroom would have been sold or
15 shipped back to Jacksonville. Is that
16 correct?

17 A. I do not know.

18 MR. MOLDOFF: Let me take a
19 short break.

20 - - -

21 (Whereupon, a recess was
22 taken.)

23 - - -

24 BY MR. ARMSTRONG:

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LORRAINE T. ROBINS

1 Q. When did you hire Ariel, or
2 who hired Ariel would be the more proper
3 question?

4 A. I believe they called us.

5 Q. Who called you?

6 A. They didn't call me, they
7 called Arthur Davis.

8 Q. Who called Arthur Davis?

9 A. Joe McCatum.

10 Q. Who is Joe McCatum?

11 A. He works for that company.

12 Q. For Aerial's company?

13 A. What's his name is, yes. I
14 can get you the name.

15 Q. When did Joe McCatum call
16 Arthur Davis?

17 A. I don't know exactly. I
18 would know better if I had my records
19 here. It was sometime in '04, when he
20 located a large quantity of containers
21 and chassis. I'm sure it was in
22 Tropical's yard. Which he give us a list
23 of and we checked.

24 Q. Tropical who's yard?

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LORRAINE T. ROBINS

1 A. It was a railroad, container
2 line, going back and forth from San Juan
3 to the Dominican Republic.

4 Q. And how did you determine
5 that those containers and chassis were
6 under the contract with Sea Star?

7 A. Again, from my records.

8 Q. So am I correct in
9 understanding that to bill for a
10 stipulated value or any part of a
11 stipulated value, you had to have a
12 record showing that Sea Star actually had
13 possession of that equipment?

14 A. That is correct.

15 Q. What records did you review
16 in connection with the stipulated value
17 billings?

18 MR. MOLDOFF: Objection to
19 form.

20 THE WITNESS: The same
21 records that I reviewed to see if
22 Sea Star was using the equipment,
23 self-billing reports and all other
24 documents concerning the container

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LORRAINE T. ROBINS

1 or chassis

2 BY MR. ARMSTRONG:

3 Q. And what other "all other"

4 documents concerning the container or

5 chassis?

6 MR. MOLDOFF: Objection to

7 form; asked and answered.

8 THE WITNESS: Move

9 histories, the billing reports,

10 inventories, which were all -- all

11 this was -- the inventories and

12 various other information was

13 handwritten on the move histories.

14 So in most cases I could just go

15 to the move history.

16 BY MR. ARMSTRONG:

17 Q. Who handwrote the

18 information on the move history?

19 A. I did.

20 Q. Was your primary source the

21 move history?

22 A. No. The move history gave

23 me a history of what had happened to the

24 piece of equipment until about -- well, I

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LORRAINE T. ROBINS

1 had the starting date, whichever --

2 whatever date it was, I don't know.

3 Then we had the information

4 that was coming in from Packer Avenue,

5 because that was automatically

6 transmitted electronically. We had the

7 information coming in from CSX, which was

8 transmitted electronically to the move

9 histories, and then if, in fact, we sold

10 it, I would input that information so

11 that we knew it was sold.

12 Q. Do you recall using any

13 documents, other than those that you've

14 described during this deposition, to

15 prepare your stipulated value invoices?

16 A. I think that I covered them

17 all.

18 Q. Do you know whether there's

19 a requirement that Sea Star sign TIRs for

20 equipment redelivered to Packer Avenue?

21 A. Their trucker signs them,

22 yes. The trucker must sign a TIR, a copy

23 of which goes to the trucker. The

24 information on the TIR is transmitted to

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1 the shipping line or the owner of the
2 equipment. This is done by an ILA clerk.

3 MR. ARMSTRONG: I have
4 nothing further. Thank you.

5 MR. MOLDOFF: I have
6 nothing.

7 - - -

8 (Whereupon, the deposition
9 concluded at 3:00 p.m.)

10 - - -

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1 CERTIFICATE

2 I hereby certify that the
3 witness was duly sworn by me and that the
4 deposition is a true record of the
5 testimony given by the witness. At the
6 time of the deposition, the witness
7 requested to read and sign the
8 transcript.

9

10

11

12

13 Pamela J. Gober Bracic,

14 RPR

15 Dated: February 2, 2005

16

17

18 (The foregoing certification
19 of this transcript does not apply to any
20 reproduction of the same by any means,
21 unless under the direct control and/or
22 supervision of the certifying reporter.)

23

24

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1 INSTRUCTIONS TO WITNESS

2 Please read your deposition
3 over carefully and make any necessary
4 changes. You should assign a reason in
5 the appropriate column on the errata
6 sheet for any change made.

7 After making any change
8 which has been noted on the following
9 errata sheet, along with the reason for
10 any change, sign your name to the errata
11 sheet and date it.

12 You are signing it subject
13 to the changes you have made in the
14 errata sheet, which will be attached to
15 the deposition. You must sign in the
16 space provided.

17 Return the original errata
18 sheet to the deposing attorney within
19 thirty (30) days of receipt of the
20 transcript by you.

21

22

23

24

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1 -----

2 ERRATA

3 -----

4 PAGE LINE CHANGE

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1 ACKNOWLEDGMENT OF DEPONENT

2 I, _____, do

3 hereby certify that I have read the

4 transcript in the matter of _____

5 _____

6 and that the same is a correct

7 transcription of the answers given by me

8 to the questions therein propounded,

9 except for the corrections or changes in

10 form or substance, if any, noted in the

11 attached Errata Sheet.

12 _____

13 DATE SIGNATURE

14

15 Subscribed and sworn to before me this

16 ____ day of _____,

17 200 ____.

18 My commission expires: _____

19 Notary Public

20

21

22

23

24

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1 LAWYER'S NOTES

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